



Security Council

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**Letter dated 7 February 2007 from the Chairman of the
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism
addressed to the President of the Security Council**

The Counter-Terrorism Committee has received the attached third report of Nigeria submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ricardo Alberto Arias
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 27 September 2006 from the Permanent Representative of Nigeria to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to forward herewith Nigeria's country report on counter-terrorism for the year 2006, for your information and circulation in the usual manner (see enclosure).

(Signed) Aminu B. Wali
Ambassador
Permanent Representative

Enclosure

Country report of Nigeria on counter-terrorism

Introduction

The idea of terror evoked a strong feeling of extreme fear to make one to be very afraid of a violent action or the threat of violence that is intended to cause fear. To terrorize somebody or some people is often aimed at threatening them so that they will act as they are told. In Nigeria, there are many tendencies that can generate such violent actions that are occasioned by illicit individuals and groups acting violently to produce fear among the populace, with the objective of extorting some advantages that could produce economic, political, religious or social benefits.

Background

With an estimated 150 million people, Nigeria is the biggest country in Africa. At the dawn of Nigerian independence in October 1960, what the British colonial administration handed over to the Nigeria political elites was a product of their colonial policy of association which was implemented through a fractuous doctrine of Divide and Rule. The un-elected Governor General, who ran a dictatorship, handed over a power structure that he never shared with anybody, to a group of political elites overseeing vast heterogeneous and un-amalgamated ethnic communities and political societies. Yet these communities were obliged to live together democratically within a territory in a milieu of social inequalities and struggles for political recognition and domination. The ensuing anachronism spelt crises and conflict in the absence of a democratic political culture.

Geographical Location

Nigeria is located at the heart of Africa overlooking West and Central Africa sub-regions, and at the Southern centerpoint of the trans Saharan trade route with North Africa. Nigeria's location was also the nucleus of the infamous slave, merchant and oil routes of the Gulf of Guinea with broad perspectives and influences of a wide triangular world trade linking Africa, Europe and the Americas till today.

Risk and Terror Profile

The above factors have played out in various degrees on fomenting discord to the extent that Nigeria faces numerous risks of conflict and crises arising from the following:

- her roles in the West African sub-region
- her prominent role in the Gulf of Guinea sub-region
- resource control
- youth restiveness
- religious fanaticism and intolerance
- ethnic militia
- armed banditry
- greed and kleptomania
- political intransigence

- political thuggery
- war-lordism
- cultist groups
- corruption
- illegal oil bunkering
- influences of international terrorist groups
- poverty
- illiteracy

The Nigerian psyche is that of a national struggle and a drive to achieve above the others. The above stimuli therefore merely promote the impetus that could be exploited by demagogues. Consequently, delinquent youths and street urchins in the metropolis have become easy tools that could be used to commit acts of terrorism.

TERRORISM

In Nigeria, we believe that an act of terrorism means an act which:

- a) May seriously damage a country or an international organization and
- b) Is intended or can reasonably be regarded as having been intended to:
 - (i) unduly compel a government or international organization to perform or abstain from performing any act;
 - (ii) seriously intimidates a population;
 - (iii) seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization or
 - (iv) otherwise influence such government or international organization by intimidation or coercion and
- c) Involves or causes as the case may be
 - (v) attacks upon a person's life which may cause serious bodily harm or death;
 - (vi) attacks upon the physical integrity of a person;
 - (vii) kidnapping of a person;
 - (viii) destruction of a government or public facility, a transport system, an infrastructural facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;
 - (ix) the seizure of an aircraft, a ship or other means of public or goods transport and the use of such means of transportation for any of the purposes in sub-paragraph (iv) above;
 - (x) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear biological or chemical weapons, as well as research into and development of biological and chemical weapons without lawful authority;
 - (xi) the release of dangerous substance, or causing of fires, explosions or floods, the effect of which is to endanger human life;

- (xii) interference with or disruption of the supply of water, power, or any other fundamental natural resources, the effect of which is to endanger life;
- (xiii) propagation and dissemination of information or information materials in any form or mode whether true or false calculated to cause panic, evoke violence or intimidate a government, group of persons or a person.

Financial and Economic Assets Freeze

The September 11, 2001 attacks in the US raised the question of terrorism and terrorist financing to the front burner in the banking and financial sector of all countries, including Nigeria. Since then, the Central Bank of Nigeria (CBN) has stepped up its regulatory responsibility in ensuring that accounts opening and monitoring of financial transactions are carried out within the framework of a risk-based regime. This has been supported with the deployment of the Enhanced Financial Analysis and Surveillance Systems (e-FASS) which is a web-based reporting application jointly implemented by the Central Bank of Nigeria (CBN) and the Nigeria Deposit Insurance Corporation (NDIC).

The Nigerian Financial Intelligence Unit (NFIU) also became operational in January 2005. It is now the only central body responsible for the receipt, analyses and dissemination of intelligence packages to law enforcement agencies and regulations. It also exchanges information with other FIUs around the world. It receives Suspicious Transaction Reports (STR) and Currency Transaction Reports (CTR) from banks, other financial institutions and designated financial institutions.

The NFIU has a counter-terrorism unit which in conjunction with other law enforcement and security agencies, is responsible for the monitoring of Nigeria's exposure and vulnerability to domestic and international terrorism, monitor developments and trends in domestic and international terrorism, assess and evaluate the potential and scope of terrorism in Nigeria, and formulate strategy and action plans to tackle the manifestations of terrorist financing in Nigeria.

It has so far profiled Militant Groups, Non-Governmental Organizations and Non-Profit Organizations, to determine their bases of operations and sources of funding. The Unit is also monitoring and developing data bases on illegal oil bunkering/mining activities, individuals/groups involved, their affiliates and patrons, sources and destinations of the financial proceeds.

The offence of terrorism and terrorist financing is provided for under Section 15 of the EFCC Act 2004. Under this law, assets of terrorists and their associates can be frozen and confiscated. They can also be tried and convicted by a competent Court if found guilty.

Implementation

The provisions of the EFCC Act relating to terrorism are being vigorously enforced. So far, two convictions at the Federal High Court, Kaduna dated October 10, 2004 and October 21, 2005, have been recorded on acts of terrorism. Besides, the EFCC has taken steps to ensure compliance with the United Nations Resolution 1267. Following the information furnished by the UN and United States Embassy in Nigeria, alleging that **Nasco Group Nigeria Ltd** is owned by **Ahmed Idris Nasreddin**, a designate of both the US and UN as an individual belonging to or associated with Al Qaeda, the Taliban or Usama bin Ladin, the Federal High

Court sitting in Abuja on Friday, March 3, 2006, granted an application stopping and freezing the financial and economic assets including business properties and things within Nigeria, belonging to or associated with Ahmed Idris Nassreddin, Nastrade Nigeria Ltd and 3 other companies in that Group. The assets were accordingly forfeited to the Federal Government of Nigeria in the interim.

The Nigerian Department of State Services has also done considerable work in respect of tracking down terrorists and freezing and/or seizing their assets. It has set up Counter-Terrorism Centres in Lagos, Kano, Maiduguri and Abuja to facilitate its surveillance.

In 2005, the Service arrested six (6) local Taliban extremists returning from GSPC terrorist Camp. The money in their possession was also seized. It had in 2002 fouled attempts by GSPC to establish terrorist cells in Katsina and Kano in Nigeria. The leader of the network, **Yakubu Musa Kafanchan** was arrested and prosecuted and money and equipment found in their possession confiscated.

Similarly, the activities of **Haruna Shahru**, another agent of GSPC financing extremist and terrorist activities by laundering proceeds from smuggled goods was detected and dismantled. Several properties including technical equipment were seized and Mr. Shahru arrested and detained.

Another attempt in 2003 by another Taliban Group to set up Camp in Yobe State was dismantled.

Banking secrecy and confidentiality has been abolished in Nigeria by virtue of Section 12(4) of the Money Laundering (Prohibition) Act 2774.

At the regional level, Nigeria has contributed greatly to operationalization of GIABA, the West African FATF style regional body, established to combat money laundering and terrorist financing in the sub-region.

Extraction Treaties

The offences set forth in the relevant international conventions and protocols relating to terrorism are included as extraditable offences in bilateral treaties to which Nigeria is a party.

The provisions of the Extradition Act are used to deny safe haven to terrorists. Relevant for this purpose are the provisions as contained in sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 of the Extradition Act. Cap 125 Laws of the Federation 1990.

The Nigerian Report to the CTC S/2003/308 indicated that the Extradition Act Law of the Federation 1990 is being used to deny safe haven to terrorists (e.g. case Hamama Belkacem, Algerian belonging to Islamic Salvation Army, who was extradited to Algeria).

There are provisions under Part II of section 35 of NDLEA Act, which, for the purpose of extradition, make the illegal acts under the Act extraditable offences.

Mutual Legal Assistance Laws and Treaties

Exchange of operational information has been intensified through enhanced working relationship between Nigeria and the International Police (Interpol) and other states as well as through the operational mechanisms of the Nigerian Intelligence Agency (NIA). The new Nigeria Financial Intelligence Unit (NFIU) has also commenced the sharing of financial intelligence information with other FIUs around the world and has entered into MoUS with several FIUs for purposes of sharing information and data.

Nigeria has entered into bilateral agreements on mutual legal assistance and extradition with a number of countries amongst which are the United Kingdom, South Africa, United States of America, Thailand, Benin, Ghana, Togo, Spain, Ireland and Italy.

Status of Ratification and Compliance with Conventions

Nigeria has signed 12 and ratified 7 of the 13 major multilateral international Conventions relating to the prevention and suppression of international terrorism. They are as follows:

S/No	Convention Protocol, Agreement, etc.	Date of Convention Protocol Agreement, etc.	Date of Ratification	Date of Accession
1.	Accession to the Convention for the suppression of Unlawful Acts Against safety of Civil Aviation 1971	26 th August, 2000	31 st December, 2002	
2.	Accession to the Convention for the suppression of Unlawful Seizure of Aircraft 1970	26 th August, 2000	31 st December, 2002	
3.	Protocol on the Suppression of unlawful acts of violence at Airport serving International Civil Aviation, Supplementary to the Convention on the Suppression of unlawful acts against the safety of Civil Aviation done in MONTREAL on 23 rd September, 1977	23 rd September, 1971		
4.	Convention on the Suppression of the Financing of Terrorism	9 th December, 1999	28 th April, 2003	
5.	Convention on the Prevention and Combating of Terrorism	14 th July 1999	28 th April, 2003	
6.	Instrument of Accession to the Convention for the Suppression of Unlawful Acts Against the safety of Civil Aviation, 1971	26 th August 2000	31 st December, 2002	
7.	Instrument of Accession to the Convention for the Suppression of Unlawful Seizure of Aircraft 1970	26 th August 2000	31 st December 2002	
8.	Instrument of Accession to the Convention for the Offences and Other Acts Committed on Board Aircraft 1963	26 th August, 2000	31 st December, 2002	

Nigeria has also ratified the following important Conventions:

Dates of Ratification of Accession	TOC	28 JUNE 2001
	Protocol (Trafficking in Persons)	28 June, 2001
	Protocol (Smuggling of Migrants)	27 September, 2001
	Protocol (Trafficking in Firearms)	Not Ratified
	CAC	14 December, 2004

Domestication of International Conventions

Nigeria has prepared a draft stand alone Bill which is now before the National Assembly for passage into law. Suggestions made at the September 2005 UNODC/TPB national experts seminar were incorporated. The Provisions of the new Bill contains clauses for prevention and punishment of terrorist acts operating from Nigeria.

The Nigerian Report to the CTC S/2002/69 indicated that the conventions and protocols, which have not been signed or ratified, are presently being considered and processed.

At the end of the National Experts Workshop organized by UNODC/TPB in September, 2005 in Nigeria, the participants adopted a comprehensive Plan of Action, including the following actions:

(a) Take the necessary steps for Nigeria to become a State Party to the following Conventions and Protocols by March 2006:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973;
- International Convention Against the Taking of Hostages, 1979;
- Convention on the Physical Protection of Nuclear Material, 1980;
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988;
- International Convention for the Suppression of Terrorist Bombings, 1977;
- Protocol Against the Illicit Manufacturing of and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime, 2001;
- Convention for the Suppression of Acts of Nuclear Terrorism, 2005.

(b) Amend and forward to the Federal Executive Council the revised version of the Bill for An Act to Provide for Measures to Combat Terrorism and For Related Matters ("Anti-Terrorism Bill") by December, 2005, which takes into account the suggestions made in the Working Paper presented by the representatives of the United Nations on Drugs and Crime (UNODC) during the workshop and the United Nations Security Council resolution 1624 (2005) concerning incitement to commit terrorist acts;

(c) Rephrase Section 11 of the Anti-Terrorism Bill in order to ensure that not only cash but all funds used, collected or allocated for the financing of terrorist acts can be frozen without delay and upon request of competent national or foreign authorities in accordance with United Nations Security Council Resolution 1373 (2001);

(d) Forward to the Counter-Terrorism Committee and the Committee established pursuant to Security Council 1267, the required supplementary reports as soon as possible.

Nigeria has participated in several regional conferences (see list of technical assistance in section 2.1.b) where it has, together with other participating countries, expressed its commitment to ratify or access to the international instruments on counter-terrorism.

Legislation Applicable to the Transfer of Funds

The Central Bank of Nigeria, the apex financial regulator, by virtue of the Central Bank Act No. 24, 1991 and the Banks and other Financial Institutions Act No. 25, 1991, regulates all transfer of funds to and from Nigeria. Also, by virtue of Section 2(1) of the Money Laundering (Prohibition) Act 2004, it is mandatory for any transfer to or from a foreign country of funds or securities of a sum exceeding \$10,000 or equivalent by any person or corporate body to be reported to the NFIU through the Central Bank of Nigeria. By virtue of Section 2 of the Foreign Exchange (Monitoring and Miscellaneous Provisions) Act 1995, all reports of declarations of \$5,000 or its equivalent made to the Nigerian Customs Service are forwarded to the Nigerian Financial Intelligence Unit (NFIU).

The Central Bank has issued several circulars guiding the operations of foreign exchange. In all such circulars, strict adherence to the Know Your Customer (KYC), Customer Due Diligence (CDD) principles are emphasized. It must be noted also that under the Money Laundering (Prohibition) Act 2004, all suspicious transactions must be reported by financial and designated financial institutions. Furthermore, under Section 10, there is a currency transaction reporting regime also making it mandatory for all financial institutions to report transactions of a certain threshold. In case of individuals, it is N1million (\$7,500) or corporate bodies N5million (\$37,037). All these reports are filed with the Nigerian Financial Intelligence Unit (NFIU). This Unit analyses them and develops intelligence packages.

Western Union transfers are also regulated by the Central Bank. Only licensed Banks appointed as agents by Western Union operators are authorized to act as collection points. Identities of beneficiaries of Western Union transfers are verified and documented before payments are made. The EFCC, in conjunction with Western Union, are presently working on an elaborate scheme to effectively track down the use of Western Union facilities to launder funds obtained from fraud and other criminal activities.

ALTERNATIVE FINANCIAL SYSTEMS

Besides the traditional formal financial institutions, there also operate Community Banks and other Micro-finance institutions in Nigeria. These Banks which by the new Central Bank directive will transit into Micro Finance Banks by December 2007, serve the largely low-income communities and the rural and urban areas in Nigeria without access to financial services. This segment of Nigerians is estimated at about 65% of the population. These institutions are therefore meant to enhance

the latent capacity of the rural poor for entrepreneurship, generate employment, enhance household income and create wealth.

The focus of the CBN in formulating the Micro-finance policy is amongst others, to promote synergy and mainstreaming of the informal sub-sector into the national financial system. The policy is also to strengthen the regulatory and supervisory framework for Micro-finance Banks.

These Banks operate largely as a single Unit institution. Their vulnerability to money laundering and terrorist financing are generally very low. Nevertheless, the Central Bank ensures that measures against the scourge of terrorist financing are applicable to them equally. All CBN circulars on Know Your Customer principle and the filing of suspicious transactions reports to the NFIU are applicable to them and they are in compliance. They are also required to disclose their sources of funds, in compliance with the Money Laundering (Prohibition) Act. 2004.

TECHNICAL ASSISTANCE

Assistance received

(a) BY UNODC: Bilateral

The UNODC/TPB organized a National Expert Workshop (26-30 September 2005) aimed at providing technical legal advice for the implementation of the universal legal framework against terrorism. In addition to making presentations on the universal instruments, the TPB discussed possible amendments to the Nigerian Anti-Terrorism Bill. Among such proposals were: the extension of the scope of application of the Bill to cover all the offences set forth in the universal instruments against terrorism; the re-finishing of language used to criminalize certain support conducts; explicit reference to the prohibition to invoke the political nature of the offence in extradition matters; the inclusion of broad legal authorities to ensure the freezing of terrorist assets; the setting up of an appropriate regulatory framework enabling financial institutions to detect and report suspicious transactions linked to terrorist financing, to be adopted either through amendments to the current Anti-Terrorism Bill or by extending the scope of application of the existing Money Laundering (Prohibition) Act 2004.

(b) By UNODC: Sub-regional or regional

UNODC/TPB conducted a Sub-Regional Experts Seminar in Bamako, Mali, to assist African States to implement the universal anti-terrorism instruments as well as the TOC Convention and its Protocols (25-28 November 2003). A representative of Nigeria participated.

The UNODC/TPB organized a Regional Expert Workshop on the ratification and implementation of the UN instruments against terrorism, corruption and transnational crime as well as on the drafting of the reports to the Counter-Terrorism Committee of the United Nations Security Council in Praia, Cape Verde, (8-10 December 2004). Nigeria made a request to UNODC to receive technical assistance in matters relating to the training of experts in the universal instruments against terrorism and transnational organized crime.

The UNODC organized the Round Table for Africa in Abuja, Nigeria (5-6 September 2005) gathering all African States, including Nigeria on 'Crime and drugs as impediments to security and development in Africa: Strengthening the Rule of Law'. A number of actions were proposed in order to attain key priorities such as to promote and support the ratification and implementation of the anti-terrorism instruments, to strengthen national criminal justice institutions, to establish national central authorities for handling mutual legal assistance and extradition matters, and to provide support to the Algeria based African Centre for the Study and Research on Terrorism.

(c) By Others

The Commonwealth Secretariat organized a Workshop on Legislative Measures to Combat Terrorism (12-16 May 2003) from West and Central African sub-region, in Banjul, The Gambia. One of the proposals made was the organization of another training workshop on capacity building in law enforcement cooperation within the framework of the fight against Terrorism. A representative of Nigeria participated.

The International Maritime Organization (IMO) - maritime security: Regional Seminar/Workshop for West and Central Africa countries (Nigeria, 31 March - 3 April 2003)/National seminar/workshop (21-25 July 2003).

The US Department of Justice, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) organized a 4-day seminar on Financial Crimes, Asset Forfeiture and Money Laundering Programme for Prosecutors and law enforcement officials from February 21-23 2006, in Abuja. Various topics, including Trends and Methods in Terrorist Financing, Terrorism Financing and Money Laundering, etc., were elaborately discussed.

COMMENTS

In pursuit of Nigeria's compliance to the obligations of member states to Security Council Res. 1257 of 1999, Nigeria has gone ahead to implement the provisions of the Security Council in detriment to innocent Nigerian citizens who are in no way connected to or have links with Al-Queda, Taliban or associated individual and groups. Nigeria's action was, however, based on information furnished by the UN and the USA, of individuals in their list of those collaborating with Al-Queda, Taliban and others.

In Nigeria, there are as many as 4,000 innocent Nigerians whose livelihood depend on the economic activities of Limited liability companies where Ahmed Idris Nassreddin has share equity. One must equally therefore, look at the obligations of member States to protect the interest of their citizens especially where they are proven to be innocent of any dealings with Al-Queda, Taliban and the rest. It may be too harsh on Limited Liability Companies in Nigeria that have legal recognition in Nigeria to have their finances and assets frozen especially just because of one out of several shareholders where innocent Nigerians depend on them for their livelihood and those of their families. A balance must therefore be found whereby in pursuit of our obligations to the Security Council, we should not be seen as neglecting our obligations to protect innocent Nigerian citizens.



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**Letter dated 7 February 2007 from the Chairman of the
Security Council Committee established pursuant to resolution
1373 (2001) concerning counter-terrorism addressed to the
President of the Security Council**

The Counter-Terrorism Committee has received the attached supplementary report of Eritrea submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as Eritrea's response to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ricardo Alberto **Arias**

Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 19 December 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to forward the supplementary report of the State of Eritrea to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism. The supplementary report is in response to a follow-up letter of the Security Council Committee dated 27 August 2002, and I hope it also covers the issues referred to in the letter of 27 April 2006 based on Security Council resolution 1624 (2005) (see enclosure).

(Signed) Araya Desta
Ambassador
Permanent Representative

Enclosure

**Supplementary report of Eritrea to the Security Council
Committee established pursuant to resolution 1373 (2001)
concerning counter-terrorism, in accordance with the letter
from the Chairman of the Counter-Terrorism Committee dated
27 August 2002 and Security Council resolution 1624 (2005)**

1(a)

In regard to the undertaking to prevent and suppress the financing of terrorism the State of Eritrea has been striving to build up the needed capacity. To this end, senior government officials have participated in the 5th Regional Interpol Meeting held on the 29th of August 2002 in Johannesburg, South Africa and at the International Forensic Seminar on Counterfeit Currency held in Kashiua City, Japan from February 26 to March 19, 2002.

The Fifth Meeting on Economic Crime for the Sub-Group of Eastern and Southern African Countries had placed special emphasis on money laundering, illegal money transfer, cyber crimes and other commercial frauds. The International Forensic Seminar on Counterfeit Currency discussed money counterfeiting, counterfeit detection and anti-counterfeit technologies. Furthermore, the head of security of the Bank of Eritrea participated in a training programme held in South Africa from April 9th through April 13th, 2002.

Financing is indeed one of the means by which an accomplice offender participates in an offence. Accordingly, Art. 36 of the Penal Code of the State of Eritrea provides that an accomplice is a person who knowingly assists a principal offender either before or during the carrying out of a criminal design, whether by information, advice, supply of means or material aid or assistance of any kind whatsoever in the commission of an offence. The phrase, 'assistance of any kind whatsoever in the commission of an offence' indeed includes financing of terrorism.

The punishment imposed on an accomplice would be commensurate to the degree of his criminal guilt as assessed by a trial court within the limits of the punishment prescribed for the intended offence. In cases where the offence is serious partaking the nature of terrorism, as described in the answer given in relation to sub-paragraph 2(a)(d)(e), the penalty would be substantial.

1(b)

The above stated reply focused on the preventive mechanism which is an important aspect of fighting terrorism. As for purposes of punishment concerning violations of obligations laid down in regard to entities established according to the Eritrean Civil Code, the Code indicates that the punishment specified in the Penal Code shall apply where:

The founders of an association have contravened the provisions of the Civil Code of the State of Eritrea relating to declarations to be made, which includes reporting of financial statements of the associations, at fixed intervals of time fixed by the said law.

Furthermore members are subject to punishment prescribed in the Penal Code, if they continue to take part in the association's activities being aware of its illegal character. The Civil Code provides for the dissolution of an association whenever it conducts unlawful activity. Certainly, acts related to funding of unlawful activities call for the application of the above stated criminal sanctions triggering the relevant article of the penal law. If the illegal activity by such entities involves providing funds or collecting in circumstances envisaged by the sub-paragraph 1(b) i.e. involving serious offences of a terrorist nature, it could implicate Art. 36, which has been analysed in connection to, sub-paragraph 1(a).

1(c)

Concerning actions to be taken in regard to supporting terrorism and freezing of accounts the response provided for 1(a) and (b) would equally apply here.

1(d)

There are legislative measures to monitor the collection and use of funds by religious, cultural and other institutions. Religious related Proclamation number 73/1995 Art. 8 states that religious institutions are to conduct only legal activities compatible with their nature of work. As for donations, they are required to keep proper financial records and are required to report annually to the relevant body as established pursuant to the said Proclamation. And they are expected to run their activities in a transparent and accountable manner.

Cultural and other institutions can take the form of associations as defined in the Civil Code. And if so organized, they shall be subject to certain requirements of the Law on Associations as provided in the Civil Code. Accordingly, a registered entity is required to report annually to the responsible government body about its financial transactions as audited.

2(a)

As per your instruction here follows an outline of the relevant articles.

Art. 477

It is entitled "Secret Societies and Armed Bands". This provision needs to be seen in the context of the broad divisions of the Penal Code of the State of Eritrea for purposes of clarity. It is categorised under Book IV of the Code entitled "Offences Against the Public Interest of the Community", and specifically under title VI of the said book entitled "Offences Against Law and Order; Breaches of the Peace", and more specifically Under Section II of the said title headed "Offences calculated or likely to provoke Public Disturbances".

Therefore, taking into consideration the above mentioned framework within which Art. 477 fits; it is obvious that it aims at prohibiting the formation of the armed bands which work towards disturbing public peace within which terrorism would be subsumed under. It carries penalty of imprisonment and fine.

Art. 475.

It is entitled "Prohibited Traffic in Arms". The analysis forwarded in relation to Art. 477 equally applies to this article. This article specifies that whosoever makes imports, exports or

transports, acquires, receives, stores or hides, offers for sale, puts in circulation or distributes, without special authorisation or contrary to law, weapons or ammunitions of any kind; or without indulging in trafficking, knowingly sells, delivers or hands over arms to suspect or dangerous persons is punishable with imprisonment without prejudice to the imposition of fine and to confiscation of the material seized.

In this connection it is noted that in relation to the second question of Paragraph 2(a) no one can possess arms, weapons or any explosives without authorisation; and weapons and explosives cannot be manufactured, sold, possessed, stored, or transported by private individuals or undertakings.

Article 473.

It is titled "Harbouring and comforting Evil-doers". Again the analysis given in relation to articles 475 and 477 is also relevant to this article. Basically, it provides that whosoever, knowingly harbours, comforts, assists or shelters evil-doers who are members of bands or associations formed to commit offences against the community, individual or property, or provides a meeting place for evil-doers is punishable with imprisonment or fine. Indeed the offences, which these articles envisage to suppress, are offences that militate against public peace and order partaking in the nature of terrorism.

2(c)

Indeed the immigration law of the State of Eritrea consists of provisions that help to combat terrorism. To begin with, the regulation of entry and stay in Eritrea is specified in Chapter 3 and 5 of Proclamation N. 24/92 embodying the immigration law of the State of Eritrea. Thus, under articles 7 and 14 of the Proclamation, any entrant can enter and stay in Eritrea only if he/she has a valid travel document and entry visa. And any non-immigrant who stays in Eritrea beyond six months is required to have a residence permit renewable at specified intervals. Moreover legal ports of entry to and departure from Eritrea are specified through legal notice issued by the competent authority.

Furthermore, relevant provisions of the said Proclamation requires for records to be kept of persons staying at hotels and other premises where lodging or sleeping accommodation is provided. Illegal entrants are subject to deportation. In addition, the Proclamation empowers immigration officers to conduct examinations in view of ensuring whether prospective entrants comply with the requirements of the immigration law. Those persons who help illegal entrants are punishable by law. Alteration or falsification made in an attempt to circumvent the Eritrean Immigration Law is also punishable.

2(d)

Art. 273 of the Penal Code has the object of preventing the use of Eritrean territory for committing terrorist acts against other countries. It is entitled "Hostile Acts against a Foreign State". According to this provision, it is prohibited being within the territory of the State of Eritrea, and at the risk of endangering peaceful relations with foreign countries, to attempt to

disrupt by subversive activities ... or by violence the internal political order or security of a foreign state. The provision carries serious penalty of imprisonment.

2(e)

It is to be noted that very serious offences partaking the nature of terrorism come under the heading of the Eritrean Penal Code titles which cover serious offences. These are, besides those mentioned under Paragraph 2(a), offences against law and order including: Prohibited Traffic in Arms (Art. 475); Offences Against Public Safety and the Security of Communication including Arson (Art. 488); Explosions (Art. 491); Danger caused by the use of Explosive, Inflammable or Poisonous Substances (Art. 493); Illicit Making, Acquisition, Concealment or Transport of explosives, incendiary or poisonous substances (Art. 494); Offences Against the Freedom and Security of Communications including Damage to Services in Installations of Public Interest (Art 499); Grave endangering or Sabotage of Communications or Transport (Art. 500). These offences being grave entail punishments commensurate to their gravity and may result in imprisonment for life or capital punishment in aggravated circumstances.

2(f)

The State of Eritrea has signed CEN-SAD'S Convention on Mutual Assistance in Security Matters on 15 May 2004. As per Article 1 of the Convention, the member states of the Community shall take stringent and tough measures to prevent terrorism, hostile activities and organised crimes in its various forms; and to make sure that their territories are not used as a ground for planning, organising and perpetrating the mentioned actions and crimes.

It has also signed the Protocol on Mechanism for Conflict Prevention, Management and Resolution within the CEN-SAD Region on 15 May 2004. The mechanism is, as enunciated in its Articles 2 and 3, and 7, designed to ensure collective security, peace and stability. Furthermore pursuant to Article 4 (3) one of the main objectives of the mechanism is to control international terrorism.

In addition, the State of Eritrea has ratified the Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD member states. According to this Protocol, member states are committed among other things, to co-operate in sharing of information on peace and security related issues of the sub-region.

Moreover the government of the State of Eritrea has signed a Protocol Agreement on Security and Related Matters with the Government of the Republic of Djibouti on February 15, 1998. It involves the exchange of information on mutual security matters. Considering that terrorism constitutes an issue of security, the said Agreement would promote and strengthen the efforts being exerted in view of combating terrorism regionally and internationally.

Draft texts of EAPCCO (East African Police Chiefs) in the fields of combating narcotic drugs, extradition of offenders and combating terrorism are being considered by the relevant government authorities for appropriate action.

2(g)

The project to enhance the security features of travel documents including Passports and Identification Cards has been finalised. It has since been forwarded for budget appropriation to the relevant government body.

3(a)(b)(c)

None

3(d)(e)

The State of Eritrea has acceded to the following treaties on February 2002.

1. Single Convention on Narcotic Drugs, 1961
2. Convention on Psychotropic Substances, 1971
3. Protocol Amending the Single Convention on Narcotics Drugs, 1972
4. Convention Against Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

3(f)(g)

It is still being studied.

Paragraph 4

The State of Eritrea has ratified the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, on the 21st of April 2004. Needless to say, the objectives of the Protocol are very much tied up with the global and regional measures that are being taken towards curbing the spread of terrorism.

The Eritrean National Focal Point on Small Arms and Light Weapons - ENFP-was officially launched on the 9th of August 2005. As per the prescription regarding the functions of relevant national focal points of the Region covered by the Nairobi Declaration and the Nairobi Protocol, the ENFP is mandated to undertake various activities. The mandate of the ENFP includes, communicating and co-ordinating on the sub-regional level, planning and co-ordinating operational activities on the national level and implementing the responsibilities of Eritrea as undertaken in the Declaration and the Protocol. Obviously, the Regional Documents' objective of controlling accessibility to weapons is relevant to the overall strategy of eliminating terrorism.

Moreover, the State of Eritrea actively participated in the formulation of the agreement that constituted the Regional Centre for Small Arms (RECSA) which was adopted on 25/4/2006. RECSA is an

institutional framework arising from the Nairobi Declaration with the purpose of co-ordinating the joint efforts of National Focal Points of member states in combating illicit trafficking in small arms and light weapons in the Great Lakes Region and the Horn of Africa.

Other Matters

Senior government officials of the National Security Agency and Bank of Eritrea participated in a Legislative Drafting Workshop on Combating the Financing of Terrorism held from 25-29 July 2005 in Tunis, Tunisia. The Workshop was organized by the International Monetary Fund in collaboration with the Joint African Institute. It involved Djibouti, Egypt, Eritrea, Ethiopia, the Libyan Arab Jamahiriya, Sudan and Tunisia. The purpose of the workshop was to promote the adoption of harmonized terrorism financing legislation in the sub-region.

Senior government officials from the National Security Agency and the Bank of Eritrea also participated in a Training Workshop for COMESA Member States on International Cooperation in the fight against terrorism and its financing. This Workshop was organised by the United Nations Office on Drugs and Crime (UNODC) and the Government of the Republic of Djibouti, and was held in Djibouti from 14 to 16 March 2006. The purpose of the initiative was to provide officials from concerned countries of the legal mechanisms available under the universal legal framework against terrorism and to strengthen their co-operation, particularly in the area of terrorist financing.

As for illegal trafficking in small arms and light weapons, Eritrea actively participated in related international conferences namely: -

1. UN sponsored Conference in New York in July 2001.
2. OAU sponsored conference Bamako, Mali in December 2000, and in Pretoria, South Africa in March 2002.
3. IGAD sponsored Conference in Djibouti in December 2001.
4. East and Central Africa sponsored meeting in Nairobi, Kenya.
5. EAPCCO organised meetings in Uganda and the United Republic of Tanzania.



Security Council

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Letter dated 7 February 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report of Saudi Arabia submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ricardo Alberto **Arias**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

**Letter dated 29 January 2007 from the Chargé d'affaires a.i. of
the Permanent Mission of Saudi Arabia to the United Nations
addressed to the Chairman of the Counter-Terrorism Committee**

I have the honour to forward the enclosed report of the Kingdom of Saudi Arabia on the implementation of Security Council resolution 1624 (2005) on counter-terrorism (see enclosure).

(Signed) **Abdullatif H. Sallam**
Counsellor
Chargé d'affaires a.i.

Enclosure

[Original: Arabic]

Report of the Kingdom of Saudi Arabia submitted under resolution 1642 (2005) to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism*1. Measures adopted to prohibit by law incitement to commit a terrorist act or acts*

Under the provisions of the Shariah, terrorism in all of its forms and manifestations, including incitement to terrorism, which is considered by the Shariah to fuel unrest, is a criminal offence punishable by reprimand.

2. Measures adopted by the Kingdom of Saudi Arabia to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts

The competent authorities in the Kingdom of Saudi Arabia seek to include on the Consolidated List of the Al-Qaida and Taliban Sanctions Committee inciters or persons guilty of incitement to commit a terrorist act or acts, who are consequently included on their own domestic lists. The Kingdom of Saudi Arabia has also issued internal lists of persons wanted for terrorist activities, including inciters of terrorism, which have been disseminated through the audio-visual and print media.

3. How does the Kingdom of Saudi Arabia cooperate with other States to strengthen the security of its international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures, with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory?

Controls are in place to prevent the entry or exit of passengers or undesirables with fraudulent travel documents:

(a) Through the Ministry of Foreign Affairs, the embassies concerned are notified of cases where one of their nationals is apprehended with fraudulent travel documents at a port of entry to the Kingdom of Saudi Arabia. The names and addresses of those involved in forgery are transmitted to them, along with the forged passport;

(b) Annual training courses on the subject of examining travel documents and entry visas are held for personnel employed at land, sea and air ports of entry in order to develop and improve their forgery-detection skills and inform them of the latest forgery methods that may be used to produce fraudulent travel documents and visas in general;

(c) State-of-the-art forgery-detection equipment is in use at international airports and at land and sea ports of entry as an aid to personnel in examining travel documents and detecting forgeries, in addition to which anti-forgery units are now active at land, sea and air ports of entry and the best support equipment and technical staff in terms of forgery detection are in place;

(d) Special courses on forgery detection are run for personnel from the sector and the relevant authorities, in conjunction with universities, colleges and security institutes;

(e) Machine-readable entry visas are issued by the Kingdom's representative offices abroad;

(f) Information concerning lost Saudi Arabian passports and persons wanted for forgery is exchanged with Gulf Cooperation Council (GCC) States through the Gulf Communication Office of the Anti-forgery Department at the Directorate-General of Passports;

(g) Information on lost and stolen international passports is exchanged through the global communications system of the International Criminal Police Organization (Interpol);

(h) Cooperation is pursued with various States in order to learn about their new passport specifications and methods employed to combat forgery;

(i) The Kingdom participates in international conferences and follows the latest developments in connection with passport printing, border security systems and new technical support equipment for forgery detection;

(j) In cooperation with the National Information Centre, work is under way with a view to:

(i) Using the biometric security system at international ports of entry through the electronic fingerprinting of passengers;

(ii) Using the Interpol stolen and lost travel documents (SLTD) database, linking it to the aliens and borders control system and studying the possibility of future linkage with the Mobile Interpol Network Database (MIND) for the purpose of seeking and examining information concerning lost travel documents.

Emphasis is placed on the interrogation of criminal elements in order to learn about the methods by which they move illegally among States. The information is then appropriately worded so as not to prejudice to the confidentiality of ongoing investigations and transmitted to the States concerned (whether neighbouring States or States linked to the Kingdom of Saudi Arabia by a security agreement) in order for them to adopt security measures aimed at countering such illegal movements.

Through the open channels, efforts are made to provide counterpart authorities in other States with the names and photographs of persons wanted in connection with serious threats to the security of the Kingdom or any other country, together with any other information about them.

Through the open channels, available information on persons abroad who run trafficking operations, whether involving human beings or prohibited items, is transmitted to the countries where such persons are located and action taken against them is monitored.

Available investigative information on methods used to forge official documents is transmitted to the relevant authorities in the Kingdom of Saudi Arabia for their benefit in detecting the users of such documents.

4. *International efforts in which the Kingdom of Saudi Arabia participates or is considering or planning participation in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures*

Numerous communities of differing cultures, religions and faiths have long lived in the Kingdom of Saudi Arabia, particularly given the upsurge in development that necessitated recruitment of the foreign expertise and labour which it mobilizes to that end. Mindful of this cultural and religious diversity, the Kingdom of Saudi Arabia has sought to ensure that no distinction is made between its citizens and its residents. Furthermore, both Government and people of the Kingdom of Saudi Arabia are enriched by these communities and respect their beliefs, which they have the legitimate right to practice, although without prejudice to the system in the Kingdom of Saudi Arabia, regarded as the very heart of the Islamic world by virtue of its holy sites. The Islamic religion moreover encourages Muslims to respect other religions and teaches them that difference among human beings in terms of their views, beliefs and religious faiths is a fact of life to be valued.

5. *Measures taken by the Kingdom of Saudi Arabia to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural and religious institutions by terrorists*

The Kingdom established the King Abdul Aziz Centre for National Dialogue, which endeavours to assist in formulating the right religious message based on moderation and finding a middle ground, both inside and outside the Kingdom, through constructive dialogue. It also seeks to instil the idea of dialogue and corresponding behaviour as a way of life and as a systematic approach to dealing with a variety of issues.

Attached to the Ministry of the Interior, a general department for intellectual security has been established to carry out practical, scientific and intellectual studies of a serious nature with the aim of tackling and fighting the perverted ideas that lead to extreme behaviour and terrorism.

An advisory committee works on fighting ideas with ideas, removing doubts and explaining the aberrations inherent in the perverted thought that engenders terrorism. This it does with help from scholars of Islamic law, sociologists, psychologists, intellectuals and media persons, who have the opportunity to meet and discuss freely with detainees who fall into that category and answer their doubts and queries. As reported in the audio-visual and print media, this process has benefited many detainees by leading them to change their tainted way of thinking.

Governmental authorities, including educational and media institutions, are encouraged to identify any risk of intellectual perversity. Emphasis is also placed on the prominent role of the family in safeguarding and monitoring its child members and fulfilling its duty to report to the Ministry of the Interior any signs that they might be falling into the clutches of terrorism.

6. *What is the Kingdom of Saudi Arabia doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law and humanitarian law?*

The legislation of the Kingdom of Saudi Arabia is derived from the Quran and the sayings of the Prophet, in accordance with which terrorism is regarded as "mischief on earth". Consequently, incitement to commit a terrorist act is regarded as complicity in that act and the accomplice as a perpetrator of the act. Furthermore, the Kingdom of Saudi Arabia has acceded to various conventions, including the Arab Convention for the Suppression of Terrorism, pursuant to which incitement to terrorism is a criminal offence. Under the statutory regulations of the Kingdom of Saudi Arabia, it is prohibited to provide safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct. The regulations on residency, for instance, include provisions prohibiting their exploitation by any criminal group. The Kingdom of Saudi Arabia is also adopting all necessary measures to ensure the implementation of paragraphs 1, 2 and 3 of resolution 1624 (2005) in compliance with international human rights law, refugee law and humanitarian law. Article 3, paragraph 5, of Council of Ministers Decree No. 207 of 8 Sha'ban A.H. 1426 [12 September A.D. 2005] approving the establishment of a national human rights organization, for instance, provides that the function of the latter is to: "Monitor governmental authorities to ensure that, within their respective fields of competence, they implement the international human rights instruments to which the Kingdom has acceded and to ascertain that they adopt the measures necessary for such implementation." This underscores the concern of the Kingdom of Saudi Arabia to comply with its obligations under international law, in particular international human rights law. With regard to compliance with its international obligations under refugee law, the Kingdom provided the finest example in its hosting of Iraqi refugees fleeing from the second Gulf war in 1990, as evidenced by the praise of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA), which commended its treatment and protection of those refugees, its supply of all of their requirements and its measure of permitting them to stay until they wished to return home.